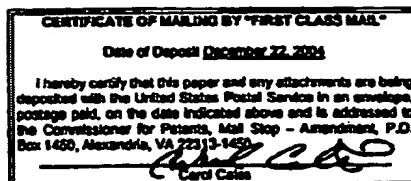




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/982,509 Confirmation No. 7211
Applicant : Thompson, David, et al
Filed : October 17, 2001
TC/A.U. : 2683
Examiner : Torres, Marcos L.
Docket No. : BRDC:036 (BYTE:036)
Customer No. : 29395



Mail Stop - Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement of September 23, 2004:

ELECTION

Applicant hereby elects Group I, Claims 1-12, for further prosecution in the present

application. This election is made without traverse, and in view of the Examiner's statements in
04/08/2005 TRIDDLK 00000002 501350 09982509

01 FC:2253 the Restriction Requirement that the inventions of the Groups are related as combination and

subcombination and are distinct because (1) the combination as claimed does not require the

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Adjustment Date: 10/21/2005 SDIRET01 09982509
04/08/2005 TRIDDLK 00000002 501350
01 FC:2253 510.00 CR

AUG 09 2005 3:28PM

Von Kreisler & Swanson, P 512-478-4936

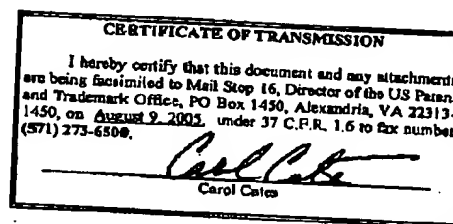
P.2

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Confirmation No. 7211 AUG 9 2005

Appl. No. : 09/982,509
Applicant : Thompson, David, et al
Filed : October 17, 2001
TC/A.U. : 2687
Examiner : Torres, Marcos L.
Docket No. : BRDC:036 (BYTE:036)
Customer No. : 29,395



Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND
TO DEPOSIT ACCOUNT NO. 50-1350**

Sirs:

On September 23, 2004, Examiner Torres mailed a Restriction Requirement, which was received by our office on September 27, 2004 and replied to on December 22, 2004 (with a certificate of mailing by "First Class Mail"). Applicant filed a timely response to the Restriction Requirement and respectfully requests that a refund in the amount of \$510.00 be credited back to Deposit Account 50-1350.

Please note that Form PTOL-326 did not accompany Examiner Torres' Restriction Requirement (which was verified with Examiner Torres on July 7, 2005). Because the form was missing, Applicant was unaware that Examiner Torres had given us a shortened statutory period

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of one (1) month to reply to the Restriction Requirement. Instead, Applicant replied via First Class Mail on December 22, 2005, prior to the three (3) month deadline of December 23, 2005.

37 C.F.R. § 1.134 states that an Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Applicant considers their response timely filed and did not request an extension of time, nor does Applicant feel an extension of time was required in light of the papers received by Applicant from the PTO.

On April 8, 2005, the USPTO withdrew \$510.00 from Deposit Account 50-1350 for a three (3) month extension of time. Due to missing Form PTOL-326, the undersigned requests that the USPTO promptly refund \$510.00 back to the undersigned's deposit account, by credit to the account.

For your convenience, a copy of the Monthly Statement of Deposit Account for Account No. 50-1350 is attached. Also attached please find a copy of the original postmark and return postcard received by Applicant and a copy of the first page of Applicant's response to requirement, each showing that Applicant responded by proper deposit in the US mail by the applicable deadline.

The undersigned attorney for Applicant kindly requests a telephone call to discuss any issues, questions or comments.

Respectfully submitted,

Date: August 9, 2005

By:

H. Dale Langley, Jr.
H. Dale Langley, Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.
610 West Lynn
Austin, Texas 78703
Telephone: (512) 477-3830
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E-Mail: dlanglely@iptechlaw.com

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UNITED STATES PATENT AND TRADEMARK OFFICE

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

H DALE LANGLEY, P.C.
KATHY GILBERT
610 WEST LYNN
AUSTIN TX 78703

FINA

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Account No.	501350
Date	4-29-05
Page	1

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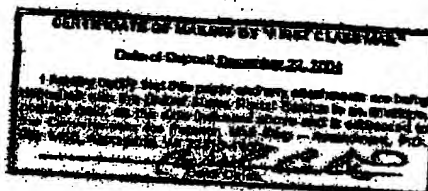
DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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				2574.00	510.00	0.00	2064.00	

MS0208 (8/2004)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/982,509
 Applicant : Thompson, David, et al
 Filed : October 17, 2001
 TC/A.U. : 2683
 Examiner : Torres, Marcos L.
 Docket No. : BRDC-036 (BYTE-036)
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Confirmation No. 7211



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 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement of September 23, 2004:

ELECTION

Applicant hereby elects Group I, Claims 1-12, for further prosecution in the present application. This election is made without traverse, and in view of the Examiner's statements in the Restriction Requirement that the inventions of the Groups are related as combination and subcombination and are distinct because (1) the combination as claimed does not require the

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0228 00.830 DEC 22 04
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10003

THE LAW FIRM OF H. DALE LANGLEY, JR.
810 WEST LYNN
AUSTIN, TEXAS 78703

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

RE: BYTE:036

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Von Kreisler & Swanson, P 512-478-4936

p.7

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Copyrights for Patents
P. O. Box 1480
Alexandria, VA 22313-1480

Attorney District No.: ERDC-036 (BYTE-036)

Applicant:
Inventor:
Inventor:
Inventor:
Inventor:

Applicant:
Inventor:
Inventor:
Inventor:
Inventor:

INVENTOR AND INVENTOR AND INVENTOR
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REGISTERED Patent
DATE: 11/05/04

Enclosed are the following: (1) Amendment Form, (2) Amendment and Response to Restriction Requirement, and (3) Request for Continued Examination. The above being submitted for the Patent Office has received the above. Please inform the Patent Office of the above and of the above.

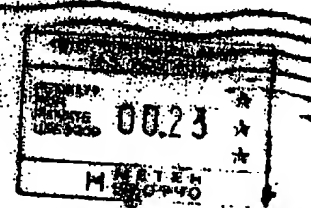
Date of Deposit: December 22, 2004

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THE LAW FIRM OF
H. DALE LANGLEY, JR.
ATTORNEYS AT LAW
610 WEST LYNN - ARLINGTON, TEXAS - 76003

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The Law Firm of

H. Dale Langley, Jr.

A Professional Corporation

US PATENT & TRADEMARK OFFICE

610 West Lynn
Austin, Texas 78703

US PATENT & TRADEMARK OFFICE

Telephone: (512) 477-3830
Fax: (512) 477-4080

FACSIMILE TRANSMITTAL SHEET

TO: Office of Finance - Refund Branch		FROM: Deena Beasley Law Office of H. Dale Langley	
COMPANY: USPTO		DATE: August 9, 2005	
FAX NUMBER: (571) 273- 8300		TOTAL NO. OF PAGES INCLUDING COVER: 7	
PHONE NUMBER: (571) 272-6500		SENDER'S REFERENCE NUMBER: Docket No. BRDC:036 (BYTE:036)	
SUBJECT: REQUEST FOR REFUND TO DEPOSIT ACCOUNT NO. 50-1350		YOUR REFERENCE NUMBER: Patent Application No. 09/982,509	
<input type="checkbox"/> URGENT <input type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY			
COMMENTS/REMARKS			

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